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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,752	10/06/2003	Michael Bampfer	449122064100	6587
25227	7590	05/28/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			GIMIE, MAHMOUD	
		ART UNIT	PAPER NUMBER	
		3747		

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/678,752	BAMPFER, MICHAEL <i>[Signature]</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Mahmoud Gimie	3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,7,9 and 10 is/are rejected.  
 7) Claim(s) 3-6 and 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: line 5, the portion of the sentence "in that the pump manufactured," needs to be deleted to clarify the claimed subject matter. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Noda (6,644,289).

Noda discloses a fuel feed unit which is provided for arrangement in a fuel tank (1) of a motor vehicle, having a fuel pump (7) and having a pump holder (40) which is to be fastened in the fuel tank (1) and is intended for securing the fuel pump (7), characterized [in that the pump manufactured] in that the pump holder (40) is manufactured, at least in a central region, from metal (col. 4, ll. 19-20) in order to acoustically isolate the fuel pump (5) adjacent components.

With regard to claim 2, the pump holder (40) has a sheet metal strip (col. 4, ll. 19-29) in its central region.

With regard to claim 10, the region of the pump holder (40), which is manufactured from metal, is arranged essentially parallel to the longitudinal axis of a drive shaft of the fuel pump (7).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noda (6,644,289) in view of prior art figure 5 shown in same reference.

Noda shows all the limitations as applied to claims 1,2 and 10, except for a plastic retaining ring and/or star shaped sheet metal strip.

Figure 5 a rubber cushion (8) which acts to retain the fuel pump (7), see col. 1 and II. 31-35.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a rubber cushion or rubber retainer between the pump (7) and the pump holder (40). The motivation to do so would have been to arrest fuel pump vibration as is well known in the art.

With regard to claim 9, the protrusion of the sheet metal (40) in a star shaped manner out of retaining ring is not clearly described as such by Noda. However, with reference to figure 2, the sheet metal appears to protrude in a manner similar to a star shape. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to describe such a layout as a star shaped. The motivation to do so would have been to add more clarity to the description of such a layout.

***Allowable Subject Matter***

3. Claims 3-6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show mounting of fuel pumps in fuel tanks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 703-305-1037. The examiner can normally be reached on 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Gimie



MAHMOUD GIMIE  
PRIMARY PATENT EXAMINER  
ART UNIT 3747